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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह प्रलग संकलन के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किये गये विधिक आदेश और अधिसूचनाएं ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

## ELECTION COMMISSION OF INDIA

### ORDERS

New Delhi, the 11th August 1970

S.O. 2978.—Whereas the Election Commission is satisfied that Shri Pati Ram S/o Shri Damber, R/o village and Post Office Malawan, District Etah, Uttar Pradesh a contesting candidate for mid-term general election 1969 to the Uttar Pradesh Legislative Assembly from 346-Mainpuri Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Pati Ram, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/346/69(99).]

## भारत निर्वाचन आयोग

### आदेश

नई दिल्ली, 11 अगस्त, 1970

एस० नो० 2978—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए मध्यावधि साधारण निर्वाचन 1969 के लिए 346—मैनपुरी सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री पातीराम सुपुत्र श्री दाम्बर, निवासी गांव व डा० भलावन, जिला एटा, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं; <sup>1</sup>

और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्द्वारा उक्त श्री पाती राम को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं०—उ० प्र०-वि० सं०/346/69/(99)]

*New Delhi, the 13th August 1970*

S.O. 2979.—Whereas the Election Commission is satisfied that Shri Shyam Sunder Chaudhari, S/o Shri Ram Prasad, R/o village Sonbarsa, Post Office Bishunpur Bariya, District Gonda, Uttar Pradesh, a contesting candidate for mid-term general elections 1969, to the Uttar Pradesh Legislative Assembly from 163-Mujehna Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notices has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Shyam Sunder Chaudhari, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/163/69(101).]

नई दिल्ली, 13 अगस्त, 1970

एस० नो० 2979—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए मध्यावधि साधारण निर्वाचन 1969 के लिए 163—मुजहेजा सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री श्याम सुन्दर चौधरी सुपुत्र श्री राम प्रसाद, निवासी गांव सोनबरसा, डा० बिसुनपुर बैरिया, जिला गोंडा, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री श्याम सुन्दर चौधरी को संसद् के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है।

[सं० उ० प्र०-वि० सं०/163/69 (101)]

New Delhi, the 17th August 1970

**S.O. 2980.**—Whereas the Election Commission is satisfied that Shrimati Janki Devi, W/o of Shri Summer Dayal, Mohalla Katra, Town Etah, District Etah, Uttar Pradesh, a contesting candidate for the Mid-term General Election 1969, to the Uttar Pradesh Legislative Assembly from 353-Nidhauri Kalan Assembly Constituency, has failed to lodge an account of her election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that she has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shrimati Janki Devi, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/353/69(102).]

तारीख 17 अगस्त, 1970 ।

एन० ओ० 2980-प्रतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए मध्यावधि साधारण निर्वाचन 1969 के लिए 353-निर्धौलीकलान सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्रीमती जानकी देवी पत्नी सुमेर दयाल, मो० कटरा, शहर एटा, जिला एटा, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अशेषित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्रीमती जानकी देवी को संसद् के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ० प्र०-वि० सं०/353/69 (102)]

**S.O. 2981.**—Whereas the Election Commission is satisfied that Shri Hari Das, S/o Shri Sia Ram R/o Village and P. O. Kakrawali, Tahsil Etah, District Etah, Uttar Pradesh a contesting candidate for the Mid-term general elections, 1969 to the Uttar Pradesh Legislative Assembly from 353-Nidhauri Kalan Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Hari Das, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/353/69(103).]

एस० ओ० 2981.—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए मध्यवर्धि साधारण निर्वाचन 1969 के लिए 353-निधौली-कलां सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री हरिदास सुपुत्र श्री सियाराम, निवासी गांव तथा डा० ककरावली, तहसील एटा, जिला एटा, उत्तर प्रदेश लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं।

और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रस्तुत नहीं किया है; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री हरिदास को संसद् के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विशाल परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कलावधि के लिए निरहित घोषित करता है।

[सं० उ० प्र०-वि० सं०/353/69(103)]

S.O. 2982.—Whereas the Election Commission is satisfied that Shri Bhawani Prasad S/o Shri Salig Ram, R/o Village Alampur, Jarkhi, Firozabad, District Agra (Uttar Pradesh), a contesting candidate for mid-term general election 1969 to the Uttar Pradesh Legislative Assembly from 335-Garoutha Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bhawani Prasad, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/335/69(104).]

एस० ओ० 2982.—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए मध्यवर्धि साधारण निर्वाचन 1969 के लिए 335 गरीठा सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री भवानी प्रसाद सुपुत्र श्री सालिग राम, निवासी गांव आलमपुर जारखी, फिरोजाबाद जिला आगरा, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण प्रस्तुत नहीं किया है; तथा निर्वाचन आयोग का यह समाधान हो गया कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री भवानी प्रसाद को संसद् के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा

विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ० प्र०-वि० सं०/335/69(104)]

*New Delhi, the 19th August 1970*

**S.O. 2983.**—Whereas the Election Commission is satisfied that Shri Raja Ram, S/o Shri Khasa Ram, R/o village 4/5-Mohalla Pansarian, Shamli, District Muzaffarnagar, Uttar Pradesh, a contesting candidate for mid-term general election to the Uttar Pradesh Legislative Assembly from 408-Jansath (SC) Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Raja Ram, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/408/69(105).]

By Order,

A. N. SEN, Secy.

नई दिल्ली, 19 अगस्त, 1970

**एस० ओ० 2983**—यतः निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए मध्यावधि साधारण निर्वाचन 1969 के लिए 408-जानसठ (श्र० जा०) सभा निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री राजाराम सुपुत्र श्री खासा राम, निवासी गांव 4/5, मोहल्ला पंसारियान, शामली, जिला मुजफ्फर नगर, उत्तर प्रदेश, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं ;

और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है ; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः, अत्र उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री राजाराम को संसद के दोनों सदनों में से किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० उ० प्र०-वि० सं०/408/69 (105)]

आदेश से,

ए० एन० सेन, सचिव,।

# MINISTRY OF HOME AFFAIRS

*New Delhi, the 26th August 1970*

**S.O. 2984.**—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Manipur Employees (Revision of Pay) Rules 1966. These rules may be called the Manipur Employees (Revision of Pay) 1st Amendment Rules 1970.

In schedule to the Manipur Employees (Revision of Pay Rules 1966, under the heading Education Department for the existing entries against item No. 50 in column No. 2; the following shall be inserted.

125-7½-155-9-245-EB-10-275

100-10-130-EB-6-190-EB-10-250 plus Special Pay of Rs. 50 p.m.

[No. 1/16/65-HMT.]

H. S. DUBEY, Dy. Secy.

### गृह मंत्रालय

नई दिल्ली, 26 अगस्त, 1970

एस० ओ० 2984.—राष्ट्रपति संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मणिपुर कर्मचारी (वेतन पुनरीक्षण) नियम, 1966 में और संशोधन करते हुए एनद्द्वारा निम्नलिखित नियम बनाते हैं :

ये नियम मणिपुर कर्मचारी (वेतन पुनरीक्षण) प्रथम संशोधन, नियम, 1970 कहे जा सकेंगे।

मणिपुर कर्मचारी (वेतन पुनरीक्षण) नियम, 1966 की अनुसूची में शिक्षा विभाग शीर्षक के नीचे, कालम संख्या 2 में मद संख्या 50 के सामने विद्यमान प्रविष्टियों के लिए निम्नलिखित प्रविष्टि जोड़ दी जायेगी :—

125-71/2-155-9-245-ब० रो०-10-275,

100-10-130-ब० रो०-6-190-ब० रो०-10-250 और 50 रुपए प्रति माह विशेष वेतन।

[सं० 1/16/65-एच० एम० टी०]

एच० एस० दुबे, उप-सचिव।

### MINISTRY OF FINANCE

(Department of Banking)

New Delhi, the 20th August 1970

S.O. 2985.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply, till the 18th July, 1971, to the New Bank of India Ltd., New Delhi, in respect of the two immovable properties (consisting of land measuring 2,200 square yards at Sultanwind Gate and 3187.83 square yards at Majitha Road) held by it in Amritsar.

[No. F.15(15)-BC/70.]

### वित्त मंत्रालय

(बैंकिंग विभाग)

नई दिल्ली, 20 अगस्त, 1970

एस० ओ० 2985.—बैंकिंग विनियमन अधिनियम, 1949 (1949 के दसवें) की धारा 53 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की

सिफारिश पर एतद्वारा यह घोषित करती है कि उक्त अधिनियम की धारा 9 के उपबन्ध, जहां तक उनका सम्बन्ध अमृतसर में इसकी दो अक्षरा सम्पत्तियों (सुल्तानविण्ड गेट की 2,200 वर्ग गज भूमि और मजीठा रोड की 3187.87 वर्ग गज भूमि) से है 18 जुलाई, 1971 तक न्यू बैंक आफ इण्डिया पर लागू नहीं होंगे।

[संख्या एफ० 15(15)-बी० सी०/70]

**S.O. 2986.**—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that till the 9th January, 1971 or the date on which the Martandam Commercial Bank Ltd., Trivandrum converts itself into a non-banking company, whichever is earlier, the provisions of sub-clause (i) of clause (c) of sub-section (1) of section 10 of the said Act shall not apply to the Martandam Commercial Bank Ltd., Trivandrum in so far as the said provisions prohibit the said banking company from being managed by Shri P. K. Koruth, its Managing Director (Chief Executive Officer) who is also a director of the Federal Bank Ltd., Alwaye.

[No. F.15(18)-BC/70.]

**एत० घो० 2986.**—बैंकिंग विनियमन अधिनियम, 1949 (1949 के दसवें) की धारा 53 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा यह घोषित करती है कि उक्त अधिनियम की धारा 10 की उप-धारा (1) के खण्ड (ग) के उप-खण्ड (i) के उपबन्ध मार्तण्डम कर्माशियल बैंक लिमिटेड, त्रिवेन्द्रम पर, जहां तक कि वे उक्त बैंकिंग कम्पनी को उसके प्रबन्ध निदेशक (मुख्य कार्यकारी अधिकारी) श्री पी० के० कोरुथ द्वारा जो फेडरल बैंक लिमिटेड, अलवाई के निदेशक भी हैं, प्रबन्धित होने से रोकते हैं, 9 जनवरी, 1971 तक या उस तारीख तक जिस दिन मार्तण्डम कर्माशियल बैंक लिमिटेड, त्रिवेन्द्रम अपने आपको गैर-बैंकिंग कम्पनी के रूप में परिवर्तित कर देगा, इन में से जो भी पहले हो, लागू नहीं होंगे।

[सं० एफ० 15(18)-बी०सी०/70]

New Delhi, the 28th August 1970

S.O. 2843.—Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 21st August, 1970.

## BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up . . . . .	5,00,00,000	Notes . . . . .	20,22,49,000
		Rupee Coin . . . . .	3,35,000
Reserve Fund . . . . .	150,00,00,000	Small Coin . . . . .	4,25,000
		Bills Purchased and Discounted:—	
National Agricultural Credit (Long Term Operations) Fund	172,00,00,000	(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills . . . . .	24,94,28,000
National Agricultural Credit (Stabilisation) Fund . . . . .	37,00,00,000	Balances Held Abroad* . . . . .	96,23,12,000
		Investments** . . . . .	112,20,63,000
		Loans and Advances to:—	
National Industrial Credit (Long Term Operations) Fund . . . . .	95,00,00,000	(i) Central Government . . . . .	..
		(ii) State Governments @ . . . . .	94,79,07,000
		Loans and Advances to:—	
		(i) Scheduled Commercial Banks† . . . . .	204,41,88,000
Deposits:—		(ii) State Co-operative Banks†† . . . . .	244,59,49,000
(a) Government—		(iii) Others . . . . .	2,11,95,000
(i) Central Government . . . . .	100,64,90,000		
(ii) State Governments . . . . .	540,71,000		



Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund

(a) Loans and Advances to:—

(i) State Governments . . . . .	34,31,43,000
(ii) State Co-operative Banks . . . . .	22,49,64,000
(iii) Central Land Mortgage Banks . . . . .	..

(b) Investment in Central Land Mortgage Bank Debentures . . . . .	9,57,02,000
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Loans and Advances from National Agricultural Credit (Stabilisation) Fund

Loans and Advances to State Co-operative Banks . . . . .	5,19,00,000
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Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund

(a) Loans and Advances to the Development Bank . . . . .	26,26,71,000
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(b) Investment in bonds/debentures issued by the Development Bank . . . . .	..
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Other Assets . . . . .	31,42,95,000
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<b>(b) Banks—</b>	
(i) Scheduled Commercial Banks . . . . .	193,19,17,000
(ii) Scheduled State Co-operative Banks . . . . .	9,07,47,000
(iii) Non-Scheduled State Co-operative Banks . . . . .	70,72,000
(iv) Other Banks . . . . .	40,53,000
<b>(c) Others . . . . .</b>	
Bills Payable . . . . .	29,02,02,000
Other Liabilities . . . . .	30,80,36,000
<b>Rupees . . . . .</b>	<b>928,87,26,000</b>

Rupees . . . . . 928,87,26,000

\*Includes Cash, Fixed Deposits and Short-term Securities.

\*\*Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 93,63,73,000/- advanced to scheduled commercial banks against unsance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 26th day of August, 1970.

## RESERVE BANK OF INDIA

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 21st day of August, 1970.

## ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	20,22,49,000		Gold Coin and Bullion:—		
			(a) Held in India . . . .	182,53,11,000	
Notes in circulation . . . .	3883,16,57,000		(b) Held outside India . . . .	..	
Total Notes issued . . . .	<u>3883,16,57,000</u>	3903,39,06,000	Foreign Securities . . . .	<u>356,42,00,000</u>	
			TOTAL . . . .		538,95,11,000
			Rupee Coin . . . . .		61,86,91,000
			Government of India Rupee Securities		3302,57,04,000
			Internal Bills of Exchange and other commercial paper . . . .		..
					<u>                    </u>
TOTAL LIABILITIES . . . .		3903,39,06,000	TOTAL ASSETS . . . . .		3903,39,06,000

Dated the 26th day of August, 1970.

K. YESURATNAM, Under Secy.

[No. F.3(3)-BC/70].  
S. JAGANNATHAN,  
Governor.

नई दिल्ली, 28 अगस्त, 1970

एस० ओ० 2987.—21 अगस्त, 1970 को रिज़र्व बैंक ऑफ इंडिया के बैंकिंग विभाग के कार्यकलाप का विवरण

देयताएं	रुपये	भास्तियां	रुपये
चुकता पूंजी . . . . .	5,00,00,000	नोट . . . . .	20,22,49,000
आरक्षित निधि . . . . .	150,00,00,000	रुपये का सिक्का . . . . .	3,35,000
		छोटा सिक्का . . . . .	4,25,000
राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि . . . . .	172,00,00,000	खरीदे और मुनाये मये बिल :—	
राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि . . . . .	37,00,00,000	(क) देशी . . . . .	..
		(ख) विदेशी . . . . .	..
		(ग) सरकारी खजाना बिल . . . . .	24,94,28,000
राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि . . . . .	95,00,00,000	विदेशों में रखा हुआ बकाया* . . . . .	96,23,12,000
असा-राशियां :—		निवेश** . . . . .	112,20,63,000
(क) सरकारी		ऋण और अग्रिम :—	
(i) केन्द्रीय सरकार . . . . .	100,64,90,000	(i) केन्द्रीय सरकार को . . . . .	..
(ii) राज्य सरकारें . . . . .	5,40,71,000	(ii) राज्य सरकारों को@ . . . . .	94,79,07,000
		ऋण और अग्रिम :—	
(ख) बैंक		(i) अनुसूचित वाणिज्य बैंकों को† . . . . .	204,41,88,000
(i) अनुसूचित वाणिज्य बैंक . . . . .	193,19,17,000	(ii) राज्य सहकारी बैंकों को†† . . . . .	244,59,49,000
(ii) अनुसूचित राज्य सहकारी बैंक . . . . .	9,07,47,000	(iii) दूसरों को . . . . .	2,11,95,000
		राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि से ऋण, अग्रिम और निवेश :—	

देयताएं	रुपये	आस्तियां	रुपये
		(क) ऋण और अग्रिम :—	
(iii) गैर अनुसूचित राज्य सहकारी बैंक	70,72,000	(i) राज्य सरकारों को	34,31,43,000
(iv) अन्य बैंक	40,53,000	(ii) राज्य सहकारी बैंकों को	22,49,64,000
		(iii) केन्द्रीय भूमिबन्धक बैंकों को	..
(ग) अन्य	100,61,38,000	(ख) केन्द्रीय भूमिबन्धक बैंकों के डिबेंचरों में निवेश	
		राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से ऋण	
		और अग्रिम	9,57,02,000
देय बिल	29,02,02,000	राज्य सहकारी बैंकों को ऋण और अग्रिम	5,19 00,000
		राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि	
		से ऋण, अग्रिम और निवेश :—	
अन्य देयताएं	30,80,36,000	(क) विकास बक को ऋण और अग्रिम	26,26,71,000
		(ख) विकास बैंक द्वारा जारी किये गये बांडों/डिबेंचरों	
		में निवेश अन्य आस्तियां	31,42,95,000
रुपये	928,87,26,000	रुपये	928,87,26,000

\*नकदी आवधिक जमा और अल्पकालीन प्रतिभूतियां शामिल हैं।

\*\*राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि और राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि में से किये गये निवेश शामिल नहीं हैं।

@राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं हैं, परन्तु राज्य सरकारों के अस्थायी ओवरड्राफ्ट शामिल हैं।

†रिजर्व बैंक ऑफ इंडिया अधिनियम की धारा 17 (4) (ग) के अधीन अनुसूचित वाणिज्य बैंकों को मीयादी बिलों पर अग्रिम दिये गये 98,63,73,000 रुपये शामिल हैं।

††राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं हैं।

तारीख : 26 अगस्त, 1970।

रिज़र्व बैंक ऑफ इंडिया अधिनियम, 1934 के अनुसरण में अगस्त, 1970 की 21 तारीख को समाप्त हुए सप्ताह के लिए लेखा  
इशू विभाग

देयताएं	रुपये	रुपये	आस्तियां	रुपये	रुपये
बैंकिंग विभाग में रखे हुए			सोने का सिक्का और बुलियन :—		
नोट . . . . .	20,22,49,000		(क) भारत में रखा हुआ	182,53,11,000	
संचलन में नोट . . . . .	3883,16,57,00		(ख) भारत के बाहर रखा हुआ	..	
			विदेशी प्रतिभूतियां	356,42,00,000	
जारी किए गए कुल नोट . . . . .		3903,39,06,000	जोड़ . . . . .		538,95,11,000
			रुपये का सिक्का . . . . .		61,86,91,000
			भारत सरकार की रुपया प्रतिभूतियां . . . . .		3302,57,04,000
			देशी विनिमय बिल और दूसरे वाणिज्य पत्र . . . . .		..
कुल देयताएं . . . . .		3903,39,06,000	कुल आस्तियां . . . . .		3903,39,06,000

तारीख : 26 अगस्त, 1970।

एस० जगन्नाथन्,  
गवर्नर।

[सं० एफ० 3 (3)—बी० सी०/70]

के० यसूरत्नम, अनु-सचिव।

**COLLECTOR OF CENTRAL EXCISE AND CUSTOMS: WEST BENGAL**  
**CORRIGENDUM**

**CUSTOMS**

*Calcutta, the 28th August 1970*

**S.O. 2988.**—In this Collectorate Notification No. 1/70 dated 20th April, 1970 issued under this office endt. C. No. VIII(1)5-Cus/WB/69/5846-911C dated 25th April, 1970 regarding appointment of "proper officer" of Customs under Section 2(34) of Customs Act, 1962 (52 of 1962), for the word "sub-section" appearing in the first line the word "clause" shall be substituted.

[No. C.VIII(1)5-Cus/WB/69/7328-D.]

C. CHIDAMBARAM, Collector.

**MINISTRY OF INDUSTRIAL DEVELOPMENT AND INTERNAL TRADE**  
**(Department of Internal Trade)**

*New Delhi, the 26th August 1970*

**S.O. 2989.**—In exercise of the powers conferred by sub-section (2) of section 3 of the Forward Contracts (Regulation) Act, 1952, (74 of 1952), the Central Government hereby appoints Shri R. B. Vaghwalwalla, I.C.S. as Chairman, Forward Markets Commission, Bombay, *vice* Shri M. A. Rangaswamy with effect from the forenoon of the 22nd June, 1970.

[No. 17 (6)-IT/69.]

R. C. SETHI, Dy Secy.

**औद्योगिक विकास तथा आन्तरिक व्यापार मंत्रालय**

**(आन्तरिक व्यापार विभाग)**

नई दिल्ली, 26 अगस्त, 1970

**क्रा० आ० 2989.**—अग्रिम संविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 3 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री आर० बी० बाघेवाला, आई० सी० एस० को श्री एम० ए० रंगास्वामी के स्थान पर 22 जून, 1970 के पूर्वार्द्ध में वायदा बाजार आयोग, मुम्बई के अध्यक्ष के रूप में नियुक्त करती है।

[सं० 17(6)-आई० टी०/69.]

आर० सी० सेठी, उप-मन्त्रि ।

**MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION**  
**(Department of Labour and Employment)**

*New Delhi, the 28th August 1970*

**S.O. 2990.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to the Bombay Port Trust, Bombay and their workmen which was received by the Central Government on the 14th August, 1970.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY.

REFERENCE No. CGIT-9 OF 1968

PARTIES:

Employers in relation to the Bombay Port Trust, Bombay.

AND

their workmen represented by the Bombay Port Trust General Workers' Union.

PRESENT:

Shri A. T. Zambre,—Presiding Officer.

APPEARANCES:

*For the employers.*—Shri R. K. Shetty, Deputy Legal Adviser, Bombay Port Trust.

*For the workmen.*—No appearance

STATE—Maharashtra

INDUSTRY—Major Ports and Docks.

Bombay, 25th July 1970.

### AWARD

The Government of India Ministry of Labour Employment and Rehabilitation, Department of Labour and Employment have by their order No. 28/46/68-LR/II dated 25/6/1968 referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to the Bombay Port Trust, Bombay and their workmen represented by the Bombay Port Trust General Workers' Union in respect of the matters specified in the following schedule:—

### SCHEDULE

"Whether having regard to the decisions of the committee for Classification and Categorisation of Employees of Major Ports and the provision of the award of the Central Government Industrial Tribunal in reference ITCG, Nos. 1 and 3 of 1963 and No. 1 of 1964 the Masters, 'A' Grade, of the Dredging Flotilla of the Chief Engineer's Department are entitled to claim the same re-classification and Categorisation Committee scale, or its equivalent Second pay Commission scale, as that allowed to the Masters of the harbour tugs of the Port Department."

2. The Government of India, Ministry of Transport and Communications (Department of Transport) by their Resolution dated 3rd August 1968 constituted the Committee for Classification and Categorisation of Class III and Class IV employees of major ports which committee was to examine the duties and responsibilities of the various posts and fit them into one or other of the Scales of pay given in the schedule to the Resolution, in the light of the scales of pay of posts with comparable duties and responsibilities in other departments of Government. Before the appointment of this committee the Masters 'A' Grade of the Port Department were in scale of Rs. 400-20-500. The classification and Categorisation Committee by their report fixed for the Masters of the Port Dept., two grades viz. Rs. 250-15-400 when in charge of tugs Anand and Arun and Rs. 350-15-380-20-500 when in charge of tugs Amar and Azad. The scale of pay of the Masters 'A' Grade of the Engineering Department before the constitution of the Classification and Categorisation Committee was also Rs. 350-15-380-20-500 and this scale was maintained by the committee.

3. The employees concerned in this reference are the Masters 'A' Grade employed in the Dredging Section of the Engineering Department. They are the members of the B.P.T. General Workers' Union which has by its statement of claim contended that Masters 'A' grade of the Dredging Flotilla should be granted the same scale of pay as had been granted to the Masters 'A' grade working on the harbour tugs of the Deputy Conservator's flotilla or its corresponding Second Pay Commission scale as that allowed to the Masters of the harbour tugs of the Port Department and it has been alleged that the Masters 'A' grade of the dredging section are entitled to claim with retrospective effect the same scale of pay as drawn by the Master 'A' grade of the Deputy Conservator's Department, i.e. Rs. 400-20-500 or its equivalent under the Second Pay Commission Scale with retrospective effect.

4. The Trustees of the Port of Bombay have by their written statement opposed the claim of the employees on various grounds contending that the dispute pertains only to the five officers of the 'A' grade which is not raised by the union as it is an individual dispute and is not an industrial dispute. It has been further contended that the duties of the employees are of a supervisory nature. They are getting salary of more than Rs. 500 per month. They are not workmen and the Tribunal

has no jurisdiction. The reference has been further resisted on the contention that the demand involves the question of the revision of the scales of pay and as that question is pending before the Wage Board which was constituted by the Government of India the same should not be considered by this Tribunal.

5. Regarding the merits of the demand it was contended that the C. C. Committee had gone into the whole question of the duties of the Masters and prescribed the scales of pay and since there was no change of circumstances there was no question of revision of any scale. It has been further contended that the Masters of the harbour tugs Amar and Azad in the Port Department were also prescribed the same scale of pay viz., Rs. 350-15-380-20-500 by the C. C. Committee as against the previous scale of Rs. 400-20-500 which was existing prior to 1st October 1957 in the Port Department. However the employees were given an option and were allowed to retain their higher scale of pay which existed prior to 1st October 1957 as a special concession to those in the said higher scale of pay and the employees involved in this reference are not entitled to claim the higher scale. The reference was opposed on various other grounds but the matter was heard on the preliminary points about jurisdiction.

6. At the time of hearing the union representative has not remained present and after the commencement of the proceedings the Tribunal received a letter which stated that there were negotiations with the Bombay Port Trust and the matter has not yet been settled and the hearing should be adjourned. Shri R. K. Shetty the Deputy Legal Adviser appearing on behalf of the Port Trust submitted that the discussions were of a different nature. They have nothing to do with the instant dispute or with the employees involved in this reference. The proceedings are pending since long and had to be adjourned on several occasions in the past and the reference was therefore heard *ex parte*.

7. The employers have contended that the employees involved in this reference are supervisors drawing wages exceeding Rs. 500 per month and they are not workmen under section 2(s) of the Industrial Disputes Act and this Tribunal has no jurisdiction. In support of their contention the management has examined Capt. E. S. Martyres who is in service in the Dredging Section since the year 1948. He is a senior dredging master and has stated that the five employees are working in the Dredging Section as Masters 'A' Grade and there were various other lower categories of workers working under them, such as mates first and second grade, seacunny, winchmen and lascars and the five employees control and supervise the work of the employees working under them and their work is of a supervisory nature. In reply to the Tribunal's question the witness has stated that they are not required to do any manual work, and the evidence shows that the work of these employees is of a supervisory nature. The management has also along with their statement produced a schedule of the salaries which shows that these employees are getting per month salary more than Rs. 500 before the date of the reference and it shall have to be held that they are not workmen under section 2(s) of the Industrial Disputes Act and this Tribunal will have no jurisdiction to adjudicate upon the dispute.

8. The jurisdiction of this Tribunal is further challenged on the contention that the present dispute has not been sponsored by the B.P.T. General Workers' Union but it has been raised only by the General Secretary who has no powers under the constitution of the union to raise disputes and in view of the ruling of the Hon'ble Supreme Court reported in 1961 1 LLJ page 288 it is not an industrial dispute and this Tribunal has no jurisdiction.

9. In support of its contention the management has by its written statement prayed that the union be directed to produce the following documents:—

- (a) Notice issued by the General Secretary of the Union to convene a meeting of the Managing Committee for passing the resolution to raise an industrial dispute.
- (b) The membership register of the union for a period of one year prior to the date of the reference.
- (c) A list of members of the Managing Committee of the Union for a period prior to 25th June 1968.
- (d) Counterfoils of receipts in respect of membership fees paid by the union members for a period of one year prior to 25th June 1968.
- (e) Minutes book maintained by the union recording its proceedings for a period of one year prior to 25th June 1968.



(f) A certified true copy of the Resolution passed either by the members of the Managing Committee or by the General Body Meeting of the union authorising the General Secretary of the Union to raise an industrial dispute.

(g) An up-to-date certified true copy of the constitution of the Union

10 The union has not produced the documents asked for by the management and the management has rightly pressed that an adverse inference should be drawn against the union. It is significant to remember that although the management had raised a specific contention that the dispute was an individual dispute and in support of the preliminary objection wanted the union to produce the documents the union has not filed even any rejoinder and this circumstance also supports the management that the dispute has not been sponsored by the union and there is no mandate from the members or a substantial number of members of the union. In the ruling reported in 1961 II LLJ 436 (Bombay Union of Journalists and others and the Hindu and another Bombay) their Lordships of the Supreme Court have quoted the observations in the ruling reported in 1961 I LLJ 288 (Working Journalists of the Hindu V Hindu and another) and it has been observed —

“In our view these observations correctly set out the effect of a subsequent withdrawal of support by the workmen of a cause previously espoused by them. In each case in ascertaining whether an individual dispute has acquired the character of an industrial dispute the test is whether at the date of the reference the dispute was taken up as supported by the union or the workmen of the employer against whom the dispute is raised by an individual workman or by an appreciable number of workmen.”

11 Thus it is clear that for an individual dispute to be converted into an industrial dispute it must be supported by a substantial number of members of the union. Shri Shetty the legal adviser of the B P T has invited my attention to clauses 12 and 13 of the constitution of the union. There is no provision in the constitution of the union empowering the General Secretary to raise disputes. It is clear that there is no resolution passed by the managing committee or the general body authorising the secretary to raise the dispute and it shall have to be held that the individual dispute has not been converted into an industrial dispute and on this ground also this Tribunal will have no jurisdiction.

12 The management has further challenged the validity of the reference on grounds similar to *res judicata* contending that the matter is pending before the Central Wage Board for Port and Dock Workers. I do not think that the issues in the reference and those before the Central Wage Board are the same and there is no substance in this contention. However, in view of my findings about the issues regarding jurisdiction I do not think it necessary to discuss this contention.

As the employees concerned in this reference are not workmen and as it is not an industrial dispute this Tribunal has no jurisdiction. Hence my award accordingly.

No order as to costs

A. T. ZAMBRE,

Presiding Officer,

Central Government Industrial Tribunal, Bombay

[No 28/46/68-LR III/P&D]

**S O. 2991**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal Bombay, in the industrial dispute between the employers in relation to the Messrs Harish Kumar & Company, Private, Limited, Bombay and their workmen, which was received by the Central Government on the 18th August, 1970

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO 2,  
BOMBAY**

**REFERENCE No CGIT-2/17 of 1969**

**Employers in relation to M/s. Harish Kumar & Co. Pvt. Ltd., Bombay.**

**AND**

**Their Workmen.**

## PRESENT:

Shri N. K. Vani, Presiding Officer.

## APPEARANCES:

*For the Employers.*—Shri D. O. Sanghvi, Advocate.

*For the Workmen.*—Shri H. K. Sowani, Advocate. Shri I. S. Sawant, Asstt. Secretary, Transport & Dock Workers' Union, Bombay.

INDUSTRY: Ports and Docks

STATE: Maharashtra.

*Bombay, dated the 4th August, 1970*

## AWARD PART I

By order No. 29/57/69.Fac.II dated 30th October, 1969 the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) in exercise of the powers conferred by clause (d) of sub-Section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred to this Industrial Tribunal No. 2 for adjudication an industrial dispute existing between the employers in relation to the management of M/s. Harish Kumar & Co. Pvt. Ltd., Bombay and their workmen in respect of the matters specified in the schedule mentioned below:—

## SCHEDULE

“Whether the action of M/s. Harish Kumar & Co. Pvt. Ltd., 7, Noble Chambers, Parsi Bazar Street, Fort, Bombay-1 in dismissing S/Shri S. A. Kotian, M. V. Kulkarni and Umesh S. Siryan from their service with effect from 7th May, 1969 is justified? If not to what relief the workmen are entitled?”.

2. The facts giving rise to this dispute are as follows:—

3. S/Shri S. A. Kotian, M. V. Kulkarni and Umesh S. Siryan were employed as Customs and Dock Clerk by M/s. Harish Kumar & Co. Pvt. Ltd., Bombay. The company dismissed them by letter dated 7th May, 1969 with immediate effect. On the receipt of the said dismissal order the workmen wrote to the company to furnish a copy of the enquiry proceedings at the earliest but the same was not given. The workmen, therefore made a report to the Union. The Union took up the matter with the Assistant Labour Commissioner (C), Bombay for conciliation. The Assistant Labour Commissioner (C), Bombay held conciliation proceedings to bring about settlement but in vain. He, therefore, submitted his failure of conciliation report to the Government, on 8th August, 1969. The Government of India, thereafter made this reference to this Tribunal.

4. M/s. Harish Kumar & Co. Pvt. Ltd., (hereinafter referred to as ‘the company’) has filed written statement at Ex. 1/E, raising preliminary objections regarding tenability of the reference in this Tribunal.

5. Shri S. R. Kulkarni, Secretary, Transport & Dock Workers Union, on behalf of the employees has filed written statement at Ex. 2/W challenging the dismissal order dated 7th May, 1969 and for reinstatement of the three employees with continuity of service and back wages.

6. The company has examined its chairman Shri K. B. Sheth at Ex. 4/E. One of the three dismissed employees viz., S/Shri Shankar A. Kotian, has given evidence on his behalf and on behalf of S/Shri M. V. Kulkarni and Umesh S. Siryan at Ex. 5/W.

7. Dock Entry Permit No. 79326 dated 30th October, 1965 produced on record is in the name of Shri S. A. Kotian, Dock Entry Permit No. 109215 dated 19th December, 1968 is in the name of Shri M. V. Kulkarni and Dock Entry Permit No. 107353 dated 11th October, 1968 is in the name of Shri Umesh S. Siryan.

8. License to transact Custom House business under Section 203 of the Sea Customs Act dated 4th February, 1953 is in the name of Shri S. A. Kotian. The other license No. H-50 dated 16th January, 1964 is in the name of Shri S. A. Kotian. License No. H-85 dated 18th October, 1968 is in the name of Shri Umesh S. Siryan.

9. Points for consideration are as follows:—

- (i) Whether the Industrial activities carried on by the company so far as the 3 employees are concerned relate to Major Port?
- (ii) Whether the Central Government is the competent authority to refer the dispute to this Tribunal?
- (iii) Whether the reference is tenable?
- (iv) What order?

10. My findings are as follows:—

- (i) Yes.
- (ii) Yes.
- (iii) Yes.
- (iv) As per order.

#### *Reasons*

Point No. i

11. The first point for consideration is whether the industrial activities carried on by the company so far as three employees in question are concerned, relate to a major Port.

12. In the written statement Ex. 1/E, it is alleged by the company that it is doing business as Exporters, Importers, Commission Agents and General Merchants and that it is a Commercial establishment within the meaning of the said term in the Bombay Shops and Establishment Act, 1948. It however, contends that it is not doing business as Clearing and Forwarding Agents.

13. The Chairman of the Company, Shri K. B. Sheth (Ex. 4/E) admits in his evidence that the company is doing Import and Export business by sea, and that its Export and Import work is done mostly in Bombay, which is a major Port. In view of this admission, there could not be any doubt that the industrial activities carried on by the company relating to Export and Import business, relate to major Port Bombay.

14. The company contends that it has not obtained licence for Clearing customs and Dock Works, and that it is not a member of the Clearing Agents Association.

15. Shri Shanker A. Kotian, (Ex. 5/W) one of the three employees in question admits in his evidence that:—

- (i) It is true that Harish Kumar and Co. Proprietary concern and at present Private Limited Co. never obtained a Clearing Agents' licence, and that
- (ii) It is doing the work of clearing on self basis.

16. There can be therefore no doubt that the company is not holding any licence for Clearing Customs and Dock Work.

17. It may be that the company is not holding any licence for Clearing Customs and Dock work but it is getting the Customs and Dock work done through its employees in question.

18. The employee Shri Shanker A. Kotian (Ex. 5/W) speaks about the work done by him and other two employees, on behalf of the company. According to him;

- (i) He was working in Harish Kumar & Co. for the last 18 years. This company was doing Export-Import business. He was preparing custom documents and delivering them to the Clearing Agents when they were there. Clearing Agents ceased to function since 1965. After the clearing agents were discontinued he along with other employees were attending to the work of Custom House and Docks. He along with the other employees were doing the same work which was done by the Clearing Agents in the Dock and Custom House.
- (ii) He used to go to the Custom House with the shipping bills after 1965. He used to drop the shipping bills in the box. Thereafter these shipping bills go to numbering. Clerks used to assign these bills to the particular examiner. The examiner while examining the papers used to call him when there was difficulty. Examiners after passing the shipping bills used to send these bills to the Appraiser. He used to

go to the Appraiser sometimes, if there was urgency. Otherwise he used to collect the shipping bills at the window clerk. Thereafter he used to go to his office with the papers. He used to go to the docks with the same shipping bills. He used to approach the Supervisor of the Shipping Co. and used to make enquiry as to where the Exporting Goods were to be delivered. The Supervisor used to direct him to bring the goods on a particular day. He used to get one of the shipping bills endorsed by the shipping company and the Bombay Port Trust for allowing the goods to be brought in the docks. He used to keep one copy of the shipping bill with the gate keeper of the Port Trust at the Dock gate. He used to give instruction to the Mukadam for bringing the goods to the docks. He used to verify whether the goods were accordingly brought there. When the goods were brought he used to get them measured. Thereafter Custom Officer used to examine the goods and send them to the appraiser. The Appraiser used to verify the entry of the goods. Thereafter the shipping bills used to be taken to the Preventive Officer of the Customs. After obtaining the necessary endorsement of the Preventive Officer of the Custom in the shipping bills, the shipping bills were taken to the Cargo Supervisor of the Shipping Company. The Cargo Supervisor will give him the space in the ship according to the destination Port. He used to go to the dock very often to see as to whether the goods concerned were loaded in the ship. Thereafter mates receipt used to be sent to the Port Trust. On payment of necessary fees to Port Trust the Port Trust used to hand over the mates receipt to him. He used to collect mates receipt and take them to the office.

(iii) So far as Import is concerned, the passing of the Bill of Entry at the Custom House is done by the Clearing Agents. Thereafter these bills of entry used to be handed over to him. He then used to go to the dock for searching goods. He used to pay duty at the Custom House regarding those goods. He then used to get those goods examined and pay the Bombay Port Trust fee. Thereafter he used to take the goods to the godown.

(iv) He used to work from 9 A.M. to 7 P.M., sometimes upto 10 P.M. The entire time was utilised for doing Export Import work. His designation as Clerk and Supervisor is mentioned in the passes. S/Shri Kulkarni and Sriyan were also doing similar work along with him, for the company.

19. The Chairman Shri K. B. Sheth admits in his evidence as follows:—

(i) The company had taken passes in the names of 3 persons i.e. the three employees in question for going to Customs, delivering papers and for supervising goods to be exported or to be imported.

(ii) A peon or a clerk gets entry to the Custom House provided if he holds a pass.

(iii) The company made applications in respect of these three persons for obtaining passes.

(iv) Export work was being done by the company clerks.

20. The Chairman admits the Docks and Port work done by the employees in question. This admission supports the statement given by Shri Kotian (Ex. 5/W), regarding the duties performed by the employees in question. Dock entry permit and licence to transact Custom House business in the name of Shri Kotian on record also support his oral testimony regarding the work done by him, from time to time on behalf of the company in Docks and Ports.

21. There is one letter, Ex. 3/W, dated 7th February, 1969 addressed to Shri Kotian which shows that the company called upon him to surrender Dock and Custom passes immediately to the office as it was making some other arrangements for the clearance work. It can be inferred from this that the company was getting the clearance work done through the employees in question.

22. From the evidence of Shri Kotian referred to above coupled with the letter, Ex. 3/W dated 7th February, 1969, Dock entry permits, licence to transact Custom House business and some of the admissions given by the Chairman of the Company, I am convinced that the three employees were mainly doing the work of the company relating to Import and Export business by sea, at Bombay Port. Hence my finding on point No. 1 is in the affirmative.

*Point No. ii*

23. The next point for consideration is whether the Central Government is competent to refer the present dispute to this Tribunal.

24. Section 10 of the Industrial Disputes Act empowers the appropriate Government to refer an Industrial dispute for adjudication to a Tribunal. The appropriate Government is defined under Section 2(a) of the Act. That Section reads as under:—

“(a) ‘Appropriate Government’ means—

(i) In relation to any industrial dispute concerning any industry carried on by or under the authority of the Central Government or by a railway company or concerning any such controlled industry as may be specified in this behalf by the Central Government or in relation to an industrial dispute concerning the employees' state Insurance Corporation established under section 3 of the employees' State Insurance Act, 1948 (34 of 1948) or the Indian Air Lines and Air India Corporations established under section 3 of the Air Corporation Act, 27 of 1953 or the Agricultural Refinance Corporation establishment under Section 3 of the Agricultural Refinance Corporation Act, 1963 (10 of 1963), or the Deposit Insurance Corporation established under Section 3 of the Deposit Insurance Corporation Act, 1961 or the Unit Trust of India Established under Section 3 of the Unit Trust of India Act, 1963 or a banking or an insurance company, a mine, an oilfield, a Cantonment Board or a major port, the Central Government.”

25. This would mean that the Central Government would be the appropriate Government in respect of an industrial dispute described in clause (i) of the Said Section.

26. The relevant portion of the above clause would mean that the Central Government can refer a dispute for adjudication, when the dispute concerns a Major Port. As the present dispute relates to major port, my finding on point No. ii is in the affirmative.

*Point No. iii*

27. The next point for consideration is whether this reference is tenable.

28. In view of the finding on point No. ii in the affirmative this reference to this Tribunal is tenable.

*Point No. iv*

29. In view of the above findings, the preliminary objection raised by the company regarding tenability of the reference in this Tribunal falls. I therefore, pass the following order:—

**ORDER**

- (i) It is hereby declared that the present reference made to this Tribunal by the Central Government is legal, valid and tenable.
- (ii) Award Part I is made accordingly.
- (iii) Reference be fixed for taking further steps by the parties.
- (iv) No order as to costs.

N. K. VANI, Presiding Officer.

Central Govt. Industrial Tribunal-cum-

Labour Court No. 2, Bombay.

4-8-1970

[No. 29/57/69-Fac.II/P&D.]

**S.O. 2992.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to Messrs the Merchant Steam Navigation Company Private Limited, Bombay and their workmen, which was received by the Central Government on the 17th August, 1970.

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY.

REFERENCE No. CGIT-4 OF 1970

## PARTIES:

Employers in relation to M/s. the Merchant Steam Navigation Co Pvt Ltd.,  
Bombay.

AND

their workmen.

## PRESENT:

Shri A. T. Zambre, Presiding Officer.

STATE: Maharashtra.

INDUSTRY: Major Ports and Docks.

Bombay, dated 22nd July 1970

## AWARD

The Government of India in the Ministry of Labour, Employment & Rehabilitation, (Department of Labour & Employment) have by their order No. 72/4/70-P&D., dated 9th April 1970 have referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to the Merchant Steam Navigation Co. Pvt. Ltd., Bombay and their workmen in respect of the matters specified in the following schedule:—

## SCHEDULE

“Whether the action of the management of M/s. The Merchant Steam Navigation Co. Ltd., Bombay in having issued notices dated the 15th January 1970 to their dock employees whose names are given below dispensing with their services under section 25FFF of the Industrial Disputes Act, 1947 with immediate effect offering them compensation amounting to 3 months average basic pay plus D.A. justified? If not to what relief the workmen are entitled?”

*The Merchant Steam Navigation Co. Pvt. Ltd.*

1. A. Ebrahim.	Asstt. Dock Supervisor.
2. S. G. Wadekar.	Asstt. Dock Supervisor.
3. M. Moosa.	Asstt. Dock Supervisor.
4. S. K. Mungekar.	Delivery Clerk.
5. K. Ismail.	Delivery Clerk.
6. P. S. Mayekar.	Delivery Clerk.
7. F. Rehaman.	Table clerk.
8. B. R. Malwankar	Table clerk.
9. M. A. Haque.	Table clerk.
10. C. N. Panchal.	Dock Clerk.
11. G. Laxman.	Dock Clerk.
12. A. M. Malda.	Dock Clerk.
13. H. Hassam.	Dock Clerk.
14. A. N. Patel	Tally Clerk.
15. B. R. Chaudhari	Tally Clerk.

*Shivnar and Palewalla.*

1. V. G. Kode	Muccadam.
2. P. J. Kunde	Shivnar.
3. H. H. Gujrati	Shivnar.
4. B. B. Salvaonkar	Shivnar.
5. L. R. Kaharekar	Shivnar.

6. K. H. Gujrati	Shivnar.
7. W. P. Kunde	Shivnar.
8. Mohd. Ibrahim	Shivnar.
9. B. L. Dhoke	Shivnar.
10. R. G. Tondwalkar	Shivnar.
11. M. B. Narkar	Shivnar.
12. Smt. P. J. Pawaskar	Pallawali.

2. The employers Messrs. Merchant Steam Navigation Co. Ltd., had terminated the services of their dock employees including the daily rated workers with effect from 15th January, 1970 in accordance with provisions of section 25 FFF(1) of the Industrial Disputes Act. The employees who were members of the Transport and Dock Workers' Union had challenged the action of the management. The dispute was referred to conciliation and after the failure report it has been referred to this Tribunal for adjudication.

3. It appears that even after the failure report the parties were negotiating the matter with the help of influential persons. After the dispute the workers had boycotted two ship s.s. SAGAR VEENA and s.s. SAGAR GEETA and hence Shri S. C. Sheth the Managing Director of the Eastern Bunkers Ltd., Bombay had intervened and the matter was settled, which settlement took place after the failure report but before the reference order.

4. After the receipt of the reference order notices were issued to the parties. But they have not filed any written statement, and on the day of hearing have filed an amicable settlement. According to the terms of settlement the employers have agreed to make an application to the Dock Labour Board requesting them to absorb the ten employees from the Dock staff in the pool of the Dock Labour Board as tally and sorting clerks. Similarly it has been agreed that the employers should make an application to the Bombay Stevedores Association limited requesting the association to absorb about 11 employees from the daily rated workers and the employers have further agreed to retain the workers in their employ till they are absorbed by the Dock Labour Board and the Stevedores Association. Regarding the services of some three persons the dispute is to be referred to the arbitration of Shri S. C. Sheth. The employers have also further agreed to make payments of wages and thus have settled the dispute.

5. Both the parties have signed the agreement and have further made an application to this Tribunal to make an award in accordance with the terms contained in the settlement. The terms of the settlement are fair and reasonable. I accept the settlement and pass an award in terms of the settlement annexure A which shall form part of this award.

No order as to costs.

A. T. ZAMBRE,  
Presiding Officer.

#### ANNEXURE 'A'

Agreement arrived at between Messrs. Merchant Steam Navigation Company Private Ltd., Bombay and the Transport & Dock Workers' Union, Bombay before Shri S. C. Sheth, Managing Director, The Eastern Bunkers Ltd., Bombay on Monday the 9th March, 1970 at 1230 p.m. in Scindia House, Ballard Estate, Bombay when the following were present:

#### *Representing Employers:*

1. Shri J. M. Kapadia, Director of the Company.
2. Shri R. D. Ghanekar, Labour Consultant.

#### *Representing Employees:*

1. Shri S. R. Kulkarni, Secretary, Transport & Dock Workers' Union.

Whereas Messrs. Merchant Steam Navigation Co. Pvt. Ltd., Bombay have terminated the services of the dock employees including the daily rated workers with effect from 15th January, 1970 in accordance with the provisions of Section 25 FFF(1) and the Transport & Dock Workers' Union, representing the workmen had challenged the action of the management resulting in the boycott of s.s. "SAGAR VEENA" and s.s. "SAGAR GEETA" with effect from 3rd March, 1970, the disputes

between the parties have been resolved on the following terms in the presence of Shri S. C. Sheth, Managing Director, The Eastern Bunkers Ltd., Bombay:—

(1) The Management of Messrs Merchant Steam Navigation Co. Pvt. Ltd., shall reinstate all employees whose services were terminated by them with effect from 15th January 1970 in service with effect from 5.00 p.m. on 9th March, 1970 and shall retain them in service as provided hereunder:—

(a) Out of 15 employees from the Dock Staff, the Management agrees in respect of the following named employees, to make an application to the Bombay Dock Labour Board requesting them to absorb the said employees in the Pool of the Bombay Dock Labour Board as Tally and Sorting Clerks:—

- (1) Shri K. Ismail
- (2) Shri P. S. Mayekar
- (3) Shri F. Rehman
- (4) Shri B. R. Malvanker
- (5) Shri M. A. Haque
- (6) Shri C. N. Panchal
- (7) Shri A. M. Maida
- (8) Shri Ganpat Laxman
- (9) Shri H. Hassan
- (10) Shri A. N. Patel.

(b) The Management shall forward all the dues payable by the Company such as Provident Fund including Company's contribution and the interest thereon and Gratuity, Leave Wages, if any, to the Bombay Dock Labour Board in the event of the Dock Labour Board agreeing to absorb the said employees in their Pool. The Management shall forward the service list including the length of service of the said employees to the Dock Labour Board with a request to the Board that the said services may be recorded by them for the purposes of retrenchment compensation etc.

(c) The Management further agrees to forward to the Dock Labour Board the amount of all benefits payable to each of the employee arising out of the recommendations made by the Central Wage Board for Port and Dock Workers and as accepted by the Government with effect from 1st January, 1969.

(d) *Palawallas and Shivnars.*—In respect of the following named daily rated workers, the Management shall make an application to the Bombay Stevedores' Association Ltd., requesting the Association to absorb the said employees in the Pool proposed to be formed by the Association in respect of similar categories of employees in the employment of their member firms. The Management shall forward the Provident Fund and Gratuity amount to the Association as also the amount of benefits that shall become payable to these employees as a result of the recommendations made by the Central Wage Board for Port and Dock Workers and accepted by the Government with effect from 1st January 1969:—

1. Shri V. G. Kode
2. Shri P. J. Kunde
3. Shri H. H. Gujarati
4. Shri B. B. Salgaonkar
5. Shri K. H. Gujarati
6. Shri L. R. Kaharekar.
7. Shri W. P. Kunde
8. Shri Mohamed Ebrahim
9. Shri B. L. Dhoke
10. Shri R. G. Tondwalkar
11. Shri M. B. Narkar

(e) The Management shall send all papers relating to the length of each Shivnar and Palawala to the Bombay Stevedores' Association Ltd., for the purpose of payment of Gratuity, retrenchment compensation etc. in the event of their retrenchment by the said Association.



(f) The Management shall retrench the services of Smt. P. J. Pawaskar (Palawali) and Shri B. R. Chaudhary, Custom Clerk. These employees shall be paid retrenchment compensation, gratuity, leave wages, if any, bonus and arrears arising out of the recommendations made by the Central Wage Board for Port and Dock Workers with effect from 1st January 1969. The Company shall not engage any person to do the work of a Customs Clerk which was hitherto being done by Shri B. R. Chaudhary and in the event of the Company requiring additional clerk to work as a Customs Clerk, the Company shall re-employ Shri B. R. Chaudhary for work as a Customs Clerk.

(g) Pending absorption of the Tally Clerks in the Pool of the Dock Labour Board and Shivnars and Palawallas in the Pool of the Bombay Stevedores' Association Ltd., they shall be retained in service. All endeavour shall be made to see that the tally clerks and the listed labour are absorbed in the respective Pools on or before 15th April, 1970.

(h) As regards the services of Shri A. Ebrahim, Shri S. G. Wadekar, Shri Mohamed Moosa and Shri S. K. Mungekar, the management shall reinstate them in service with effect from 15th January, 1970 and shall continue them in service. The dispute with regard to the termination of services of these employees, the parties agree to refer the said dispute to the Sole Arbitration of Shri S. C. Sheth, Managing Director, The Eastern Bunkerers Ltd., Bombay, on the following terms in accordance with Section 10(A) of the Industrial Disputes Act, 1947 and the AWARD given by Shri S. C. Sheth will be final and binding on both the parties:—

The agreed terms of reference are as under:—

(i) Whether the termination of the services of Shri A. Ebrahim, Shri S. G. Wadekar, Shri M. Moosa and Shri S. K. Mungekar on the 15th January 1970 was genuine, lawful and bonafide and whether such termination is justified? If not, to what relief they are entitled to?

The parties agree that after the employees are reinstated in service with effect from 5-00 p.m. on 9th March, 1970, they shall be paid wages as under:—

(i) (1) For the period from 15th January, 1970 till 14th March, 1970 at 50 per cent of their average earnings in the month of December, 1969.

(i) (2) From 15th March, 1970 till their absorption in the Pool of the Bombay Dock Labour Board or Pool of the Association they shall be paid their full wages for one month. Parties shall make all endeavours to ensure that the employees referred to in Clause No. 1(a) and 1(b) shall be absorbed in the concerned Pools on or before 15th April, 1970. During the period from 15th March, 1970 till their absorption as stated above, they shall carry on such work as they had been doing before.

(i) (3) The Union shall request the All-India Port & Dock Workers Federation to direct all its affiliates in Bombay to lift the boycott of ships immediately.

(i) (4) The parties express their gratitude to Shri S. C. Sheth because of whom the amicable settlement of the dispute was possible.

(Sd.) R. D. GHANFAR,

(Sd.) S. R. KULKARNI,

11-3-1970

Signatures of Employers' Representatives) (Signatures of workers' Representatives)

(Sd.) J. M. KAPADIA,

11-3-1970.

Witness:

(Sd.) K. R. SUBRAMANIAN,

[No. 73/4/70-P&D.]

AJIT CHANDRA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 28th August 1970

**S.O. 2993.**—Whereas by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 902 dated the 25th February, 1970, the Central Government had declared the iron ore mining industry to be a public utility service for the purposes of the Industrial Disputes Act, 1947 (14 of 1947), for a period of six months from the 4th March, 1970;

And whereas the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a further period of six months from the 4th September, 1970.

[No. F. 1/55/70-LR.I.]

### (श्रम और रोजगार विभाग)

नई दिल्ली, 28 अगस्त 1970

का० आ० 2993.—यतः भारत सरकार के श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 902 तारीख 25 फरवरी, 1970 द्वारा केन्द्रीय सरकार ने लोहा श्रयस्क खनन उद्योग को औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) के प्रयोजनों के लिए 4 मार्च, 1970 से छ. माम की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था ;

और यतः केन्द्रीय सरकार की राय है कि उक्त कालावधि का और आगे छ. माम की कालावधि के लिए बढ़ाया जाना लोक हित में अपेक्षित है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उपखण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 4 सितम्बर, 1970 से और आगे छ. माम की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है ।

[सं० फा० 1/55/70-प.ल० आर० I]

### ORDER

New Delhi, the 27th August 1970

S.O. 2994.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relations to the Ruby General Insurance Company Limited, Lucknow and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi, constituted under section 7A of the said Act.

### SCHEDULE

"Whether the demands of the workmen under Lucknow Regional Office of Messrs Ruby General Insurance Company Limited, Lucknow, in respect of the following matters are justified? If so, to what relief are the workmen entitled and from what date?"

- (i) Classification of employees;
- (ii) Revision of scales of pay and fitness of employees in the revised scales;
- (iii) Dearness allowances;
- (iv) Special increments;
- (v) Special allowances;
- (vi) Other allowances;

- (vii) Free medical aid;
- (viii) Gratuity;
- (ix) Provident Fund,
- (x) Retirement age;
- (xi) Half holidays and leave—different kinds of leave, quantum of leave, leave Rules;
- (xii) Promotion policy;
- (xiii) Recruitment;
- (xiv) Miscellaneous:—
  - (a) Working hours and grace time;
  - (b) Confirmation;
  - (c) Transfer;
  - (d) Travelling allowance;
  - (e) Suspension allowance;
  - (f) Holidaying allowance;
  - (g) Uniforms of grade 'A' and 'B' employees;
  - (h) Existing rights and privileges;
  - (i) Canteen facilities.

[No 40/18/70-L.R.I.]

S. S. SAHASRANAMAN, Under Secy.

### आवेश

नई दिल्ली, 27 अगस्त 1970

क्र० आ० 2994.—यतः, केन्द्रीय सरकार की राय है कि इसमें उपावद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में रूबी जनरल इन्वयोरेंस कम्पनी लिमिटेड, लखनऊ से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित औद्योगिक अधिकरण, दिल्ली को न्यायनिर्णयन के लिए निर्देशित करती है।

### अनुसूची

“क्या मैसर्स रूबी जनरल इन्वयोरेंस कम्पनी लिमिटेड के प्रादेशिक कार्यालय लखनऊ के अधीन कर्मकारों की निम्नलिखित विषयों के बारे में मांगें न्यायोचित हैं? यदि ऐसा है, तो कर्मकार किस अनुतोष के और किस तारीख से हकदार हैं?”

- (i) कर्मचारियों का वर्गीकरण;
- (ii) वेतनमानों का पुनरीक्षण और पुनःरीक्षित वेतनमानों में कर्मचारियों की उपयुक्ता;
- (iii) महंगाई भत्ते;
- (iv) विशेष वृद्धियां;
- (v) विशेष भत्ते;

- (vi) अन्य भत्ते,
- (vii) नि शुल्क चिकित्सा सहायता,
- (viii) उपदान,
- (ix) सविष्य निधि,
- (x) वेतन वृद्धि आयु,
- (xi) अर्द्ध अवकाश और छुट्टी—छुट्टियों के विभिन्न प्रकार, छुट्टी की माता, छुट्टी नियम,
- (xii) प्रोन्नति नीति,
- (xiii) भर्ती,
- (xiv) प्रकीर्ण, —
  - (क) कार्य के घटे और अनुग्रह समय,
  - (ख) पुष्टि,
  - (ग) अन्तरण,
  - (घ) यात्रा भत्ता,
  - (ङ) निलम्बन भत्ता,
  - (च) अवकाश भत्ता,
  - (छ) 'क' और 'ख' ग्रेडों के कर्मचारियों की वर्दी,
  - (ज) विद्यमान अधिकार और विशेषाधिकार,
  - (झ) कैंटीन सुविधाएँ ।

[सं० 40/18/70-एल०आर०आई०]

एस० एम० सहस्रनामन, अवसर सचिव ।

### (Department of Labour and Employment)

*New Delhi, the 3rd September 1970*

**S O 2995**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Management of Adjal Hind Colliery of Messrs Bengal Coal Company Limited, Post Officer Charanpur, District Burdwan and their workmen which was received by the Central Government on the 26th August 1970

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA**

**REFERENCE No. 15 OF 1970**

#### **PARTIES:**

Employers in relation to the management of Adjal Second Colliery of Messrs Bengal Coal Company Limited,

**AND**

Their workmen

#### **PRESENT:**

Mr B. N. Banerjee—Presiding Officer.

#### **APPEARANCES:**

*On behalf of Employers*—Mr P P Ginnwala, Bar-at-Law, with Mr. Avijit Chowdhury Bar at-Law  
*On behalf of Workmen*—Absent.

STATE: West Bengal

INDUSTRY: Coal Mines

# AWARD

By Order No. 1/15/70-LR II, dated May 2, 1970, the Government of India, Ministry of Labour, Employment & Rehabilitation (Department of Labour and Employment), referred the following industrial dispute between the management of Adaj Second Colliery of Messrs Bengal Coal Company Limited and their workmen, to this Tribunal, for adjudication, namely:—

"Whether the management of Adaj Second Colliery of Messrs Bengal Coal Company Limited, Post Office Charanpur, District Burdwan was justified in laying off a number of workmen on different dates during the period from the 30th December, 1969 to the 15th January, 1970 without paying any compensation to them? If not, to what relief are the workmen concerned entitled to?"

2. The workmen and the Colliery Mazdoor Sabha, which espoused their cause, adopted a strange attitude of non-cooperation with the Tribunal. They did not file their written statement in spite of notice given to them. They did not appear before the Tribunal on the date fixed for settling a date for peremptory hearing, although notice had been sent to them to appear on that date. They did not also appear on the peremptory date of hearing, although the date was brought to their knowledge by a notice. This attitude is capable of one explanation namely, that the workmen are no further interested in the dispute.

3. The management filed a written statement. On merits it was pleaded that the workmen, at the instigation of the Colliery Mazdoor Sabha as well as other persons, deliberately created conditions rendering it impossible for the employer company to keep the colliery running on an efficient and economic basis. It was also pleaded that the workmen resorted to a 'go-slow' tactics and caused a drastic diminution in output per man shift, so much so that the average production of the colliery, during December, 1969, fell to 212 tonnes per day as compared to 414 tonnes per day in the corresponding period of the previous year. Under the aforesaid condition, it became necessary for the employer company to lay off batches of workmen on diverse dates from December, 1969 to January 15, 1970, which the company did. On the above facts, it was contended that there was sufficient justification for the lay off.

4. A three-fold preliminary objection was also taken in the written statement. It was contended, in the first place, that the issue whether a lay off was justified or not was incapable of being the subject-matter of an industrial dispute. It was contended, in the next place, that there was no dispute over the lay off raised at any time before the management. The question as to the justifiability of the lay off was straightway taken before the Assistant Labour Commissioner for conciliation and on failure of the conciliation, there was the reference made to this Tribunal. It was argued that this was not the proper way of raising an industrial dispute and there could be no industrial dispute raised in the manner as done in the instant case. It was lastly contended, that before the Conciliation Officer the issue for conciliation was whether there was an illegal lockout or an illegal strike. The question of lay off was not before the Conciliation Officer. This also made, it was contended, the reference on the point of justifiability of lay off an illegality.

5. I propose to deal with the preliminary objections first of all. Elaborating the first preliminary objection, Mr. Ginwala drew my attention to the definition of industrial dispute in Section 2(k) of the Industrial Disputes Act and submitted that an industrial dispute meant any dispute which was connected with the employment or non-employment or the terms of employment or with the conditions of labour of any person. He submitted that lay off was not a dispute connected with the employment or the non-employment or terms of employment or the conditions of employment and therefore there could be no industrial dispute on the question of lay off. I am not prepared to uphold this argument of Mr. Ginwala. The definition of lay off, as in Section 2(kkk) of the Industrial Disputes Act, is set out hereinbelow:

"(kkk) "lay-off" (with its grammatical variations and cognate expression) means the failure, refusal or inability of an employer on account of shortage of coal, power or raw materials or the accumulation of stocks or the breakdown of machinery or for any other reason to give employment to a workman whose name is borne on the muster rolls of his industrial establishment and who has not been retrenched;

Explanation\*\*\*\*

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Stripped of its verbiage, lay off means the failure, refusal or inability of an employer to give employment to a workman. Lay off is in substance temporary non-employment or failure on the part of the Employer to give employment, for the time being, even though it does not cause severance of the employer-employee relation. In my opinion, non-employment as in Section 2(k) of the Industrial Disputes Act is wide enough to include temporary non-employment caused by reasons such as lay off. That being my view, I find little substance in the first branch of the preliminary objection.

6. The second branch of the preliminary objection, however, is of substance. An industrial dispute, as appears from the definition in Section 2(k), means, "any dispute or difference between employers and employers or between employers and workmen, or between workmen and workmen....". There, if a particular dispute was never raised before the employer by the workmen and rejected by the former there can be no industrial dispute between employers and the workmen. A dispute, which was not at any stage agitated between the management and the workmen, could not covert itself into an industrial dispute merely by reason of the fact that the appropriate Government cared to refer the dispute to a tribunal as an industrial dispute. This was the view which was expressed by the Supreme Court in the case of *Sindhu Resettlement Corporation Ltd. v. Industrial Tribunal* AIR 1968 SC 529 (533):

"It may be that the Conciliation Officer reported to the Government that an industrial dispute did exist relating to the reinstatement of respondent No. 3 and payment of wages to him from 21st February, 1958, but when the dispute came up for adjudication before the Tribunal the evidence produced clearly showed that no such dispute had ever been raised by either respondent with the management of the appellant. If no dispute at all was raised by the respondents with the management, any request sent by them to the Government, would only be a demand by them and not an industrial dispute between them and their employer. An industrial dispute, as defined, must be a dispute between employers and employers, employers and workmen, and workmen and workmen. A mere demand to a Government without a dispute being raised by the workmen with their employer, cannot become an industrial dispute. Consequently, the material before the Tribunal clearly showed that no such industrial dispute, as was purported to be referred by the State Government to the Tribunal, had ever existed between the appellant Corporation and the respondents and the State Government, in making a reference, obviously committed an error in basing its opinion on material which was not relevant to the formation of opinion."

On behalf of the management B. N. Lala, Assistant Security Officer of the employer company deposed. He stated in his evidence;

"Prior to the notice from the Assistant Labour Commissioner we received no communication of the dispute from the Colliery Mazdoor Sabha or from the workmen".

If that be so, what really happened was that upon the passing of the lay off order, the trade union of the workmen straightway approached the Labour Commissioner with a grievance against the action taken by the employer company and the Conciliation officer, obligingly enough, at once started conciliation proceedings on such grievance. Thus, there is evidence to show that at no time before the conciliation started the workers had raised a dispute over lay off with the management and after failing to get any relief from the management approached the Conciliation officer. The action of the workmen is not sufficient to raise an industrial dispute and this reference falls within the above quoted condemnation made by the Supreme Court.

7. The third branch of the preliminary objection is also of substance. It appears from the proceedings before the Conciliation Officer and the failure Report sent by him to the Ministry of Labour, Employment and Rehabilitation (Ex. 10 series) that he conciliated over a dispute as to whether there was an unlawful lockout or an unlawful strike. The question of lay off was never before him. The Government acted strangely in making a reference over the justifiability of a lay off. Therefore, this is another infirmity with the reference as made.

8. On merits also, I am satisfied on the evidence, that the management succeeded in making out justifiable cause for lay off. It appears from the evidence of N. N. Gautam, the Manager of the concerned colliery that production began to fall from the month of October 1969 month by month on account of the 'go-slow' tactics

adopted by the workmen and the company was not in an economic position to employ as many workmen as they were doing when the production was in full swing. The aforesaid statement is also borne out by Exts. 2, 2a, 2b, 3, 3a and 3b. I have only uncontradicted evidence before me and on that evidence I hold that the lay off was made because the company had not sufficient work to employ the number of workmen who were laid off.

9. I have now to find whether the workmen laid off were entitled to any compensation. I have already found that the lay off was caused because of slowing down of production on the part of the workmen. Section 25E provides:

"No compensation shall be paid to a workman who has been laid-off—

(i) xxx

(ii) xxx

(iii) if such laying off is due to a strike or slowing-down of production on the part of workmen in another part of the establishment."

That being the law, the workmen are not entitled to any compensation at all.

10. Thus, two of the preliminary objections and the ground on merits urged by Mr. Ginnwala succeed. I therefore, hold that the management of Adjai Second Colliery of Messrs Bengal Coal Company Limited was justified in laying-off a number of workmen on different dates during the period from 30th December 1969 to 15th January, 1970, without paying any compensation to them. The workmen are not entitled to any relief at all.

'This is my award.

*Dated, August 19, 1970.*

(Sd.) B. N. BANERJEE,  
Presiding Officer.

[No. 1/15/70-LRII.]

S.O. 2996.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the Lakurka Colliery of Messrs Lakurka Coal Company Limited, 3, Synagogue Street, Calcutta-1, and their workmen, which was received by the Central Government on the 26th August, 1970.

# CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT NO. 3 AT DHANBAD

REFERENCE No. 88 of 1969

## PRESENT:

Shri Sachindanand Sinha, M.A.M.L., Presiding Officer.

## PARTIES:

Employers in relation to the management of Lakurka Colliery.

AND

Their workmen

## APPEARANCES:

*For workmen.*—Shri S. Dasgupta, Secretary, Colliery Mazdoor Sangh.

*For employers.*—Shri N. L. Singh, Personnel Officer.

INDUSTRY: Coal

STATE: Bihar

*Dhanbad dated the 18th August 1970*

## AWARD

The Central Government, being of opinion that an Industrial dispute exists between the employers in relation to the Lakurka Colliery of Messrs Lakurka Coal Company Limited, a Synagogue Street, Calcutta-1 and their workmen by its Order No. 2/18/69-LRII dated the 24th November, 1969, referred to this Tribunal under Section 10(1)(d) of the Industrial Dispute Act, 1947, for adjudication the

dispute in respect of the matters specified in the Schedule thereto. The Schedule is extracted below:

#### SCHEDULE

"Whether, having regard to the financial capacity of the Lakurka Colliery of Messrs Lakurka Coal Company Limited, the action of the management.

- (i) in not paying the Variable Dearness Allowance to their workers as per the recommendations of the Wages Board for Coal Mining Industry at the rate of Rs. 1.11 per head per day with effect from the 1st October, 1967 and Rs. 1.47 per head per day with effect from the 1st April, 1968.
- (ii) in not paying annual increments with retrospective effect from the 15th August, 1968 to all the time rated, weekly and monthly paid workmen.
- (iii) in not paying the arrear dues arising out of implementation of Wage Board recommendation with effect from the 15th August, 1967 is justified? if not —
- (i) what should be the quantum of variable dearness allowance in this Colliery? and
- (ii) to what relief, if any, are the workers entitled?"

The reference was registered as Reference No. 88 of 1969 by this Tribunal.

The Secretary, Colliery Mazdur Sangh filed written statement, on behalf of the workmen, on the 19th February, 1970 and the employers filed their written statement on the 29th April, 1970.

I need not discuss respective stands of either party as the dispute has been settled amicably through compromise. The Memorandum of compromise which has been verified by Shri M. K. Sinha, Director for and on behalf of the employers and by Shri S. Dasgupta, Secretary of the Sangh for and on behalf of the workmen contain the terms of settlement as under:

- A. The Management has already implemented most of the recommendations of the Central Wage Board for the Coal Mining Industry as accepted by the Government of India and agreed to implement the remaining recommendations with effect from 15th August, 1967.
- B. The management has paid V.D.A. @ Re. 0.78 paise per head per day with effect from 15th August, 1967 and @ Rs. 1.29 from 1st December, 1969. It is agreed that the balance V.D.A. i.e. V.D.A. due @ Rs. 1.11 paise per head per day from 1st October, 1967 to 31st March 1968, @ Rs. 1.47 paise per head per day from 1st April, 1968 to 30th September, 1969 and @ Rs. 1.29 paise per head per day from 1st October, 1969 to 30th November, 1969, less V.D.A. actually paid @ Re. 0.78 paise per head per day from 15th August, 1967 to 30th November, 1969 shall be paid as early as possible, but not later than 31st August, 1971. The mode of payment will be determined in consultation with the union.
- C. The management agrees to grant first annual increment which was due from 15th August 1968 with effect from 1st August, 1970 and the 2nd increment which was due from 15th August, 1969 with effect from 1st November, 1970. The arrears of annual increments shall be paid to the workmen in two equal quarterly instalments, the first instalment being payable during quarter ending September, 1970 and the second instalment during quarter ending December, 1970.
- D. All other arrears dues arising out of implementation of Wage Board's Recommendations with effect from the 15th August, 1967 excepting sick leave wages and train fare including return Railway fare have already been paid.
- E. The management agrees to pay sick-leave wages and train fare including return train fare in terms of the Wage Board's recommendations with effect from 1st January, 1970. The arrears payable on this account from 15th August, 1967 shall be cleared off on or before 31st December, 1970.

The terms of settlement appear to be reasonable and justified and as such are accepted. And I accordingly give my award in the terms of settlement a copy of which is enclosed herewith as Annexure 'A'.



This is my award. It may now be submitted to the Central Government under Section 15 of the Industrial Disputes Act, 1947.

SACHIDANAND SINHA,  
Presiding Officer.

ANNEXURE A

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3), DHANBAD

Reference No. 8 of 1969 Employers in relation to the Management of Lakurka Colliery.

AND

Their Workmen, represented by Colliery Mazdoor Sangh.

The parties above named jointly beg to state:—

1. That the parties have agreed to settle the disputes under reference amicably on the following terms and conditions:

*Terms of Settlement*

- A. The management has already implemented most of the recommendations of the Central Wage Board for the Coal Mining Industry as accepted by the Government of India and agrees to implement the remaining recommendations with effect from 15th August, 1967.
- B. The management has paid V.O.A. @Rs. 0.78 paise per head per day with effect from 15th August, 1967 and @ Rs. 1-29 from 1st December, 1969. It is agreed that the balance V.D.A. i.e., V.D.A. due @Rs. 1.11 paise per head per day from 1st October, 1967 to 31st March, 1968 @ Rs. 1-47 paise per head per day from 1st April, 1968 to 30th September, 1969 and @ Rs. 7-29 paise per head per day from 1st October, 1969 to 30th November, 1969, less V.D.A. actually paid Rs. 0.78 paise per head per day from 15th August, 1967 to 30th November, 1969 shall be paid as early as possible, but not later than 31st August, 1971. The mode of payment will be determined in consultation with the union.
- C. The management agrees to grant first annual increment which was due from 15th August, 1968 with effect from 1st August, 1970 and the 2nd increment which was due from 15th August, 1969 with effect from 1st November, 1970. The arrears of annual increments shall be paid to the workmen in two equal quarterly instalments—the first instalment being payable during quarter ending September, 1970 and the second instalment during quarter ending December, 1970.
- D. All other arrears dues arising out of implementation of Wage Board's Recommendations with effect from the 15th August, 1967 excepting sick leave wages and train fare including return Railway fare have already been paid.
- E. The management agrees to pay sick-leave wages and train fare including return train fare in terms of the Wage Board's recommendations effect from 1st January, 1970. The arrears payable on this account from 15th August, 1967 shall be cleared off on or before 31st December, 1970.

It is, therefore, prayed that the Hon'ble Tribunal be pleased to pass an award in terms of the above settlement.

For the workmen  
(Sd.) S. DAS GUPTA  
Secretary,

Colliery Mazdoor Sangh  
5-7-70

Witness:

(Sd.) Illigible  
(Sd.) Illigible

For the employees  
For & on behalf of  
The Lakurka Coal Co., Ltd.  
(Sd.) Illigible  
Director.  
5-7-70

Witness  
(Sd.) Illigible  
5-7-70  
5-7-70

## ORDERS

*New Delhi, the 19th August 1970*

**S.O. 2997.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Ena Colliery belonging to Messrs North West Coal Company Limited, Post Office Dhanisar, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No 3) Dhanbad, constituted under section 7A of the said Act.

## SCHEDULE

"Whether the action of the management of Ena Colliery belonging to Messrs North West Coal Company Limited, Post Office Dhanisar, District Dhanbad, in changing the mode of grant of sick leave from 14 days with full pay to 30 days with half pay with effect from the 27th February, 1970 is justified? If not, to what relief are the workmen entitled?"

[No. 2/82/70-LR.II.]

## आदेश

नई दिल्ली, 19 अगस्त, 1970

**का० आ० 2997 :—**यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मेसर्स नाथ वेस्ट कोल कम्पनी लिमिटेड, डाकघर धनसर, जिला धनबाद की एना कोयला खान के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (सं० 3), धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है।

## अनुसूची

"क्या मेसर्स नाथ वेस्ट कोल कम्पनी लिमिटेड, डाकघर धनसर, जिला धनबाद की एना कोयला खान के प्रबन्धतंत्र की 27 फरवरी, 1970 से बिमारी की छुट्टी की मंजूरी के रूप में पूरे वेतन सहित, 14 दिन की छुट्टी से आधे वेतन सहित 30 दिन की छुट्टी के रूप में परिवर्तित करने की कार्यवाही न्यायोचित है यदि नहीं तो कर्मकार किस अनुतोष के हकदार हैं?"

[सं० 2/82/70 एल आर II]

New Delhi, the 27th August 1970

**S. O. 2998.**—Where as the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Banalee Colliery, Post Office Nandi, District Burdwan and their workmen in respect of the matters specified in the Schedule here to annexed;

And Whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, Therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta constituted under section 7A of the said Act.

SCHEDULE

“Whether the retrenchment of the following workmen made by the management of Banalee Colliery, Post Office Nandi, District Burdwan with effect from the 1st August, 1970 was justified and legal ? if not, to what relief are they entitled ?

Sl No.	Name	Designation
1	Shri Hablal Joyswara . . . . .	Loader
2	„ Jainath Bhar . . . . .	Do.
3	„ Sarwan Bhar . . . . .	Do.
4	„ Parsotem Kewat . . . . .	Do.
5	„ Babu Pashi . . . . .	Do.
6	„ Ganga Ram Kahar . . . . .	Do.
7	„ Ram Lakhan Harijan . . . . .	Do.
8	„ Ramadhar Joyawara . . . . .	Do.
9	„ Barkhu Koiri . . . . .	Do.
10	„ Harichand Bhar . . . . .	Do.
11	„ Saudagar Gope . . . . .	Do.
12	„ Degree Kurmi . . . . .	Do.
13	„ Kishan Pd. Roy . . . . .	Do.
14	„ Gogrup Kurmi No. 2. . . . .	Do.
15	„ Tajai Jaiswara . . . . .	Do.
16	„ Hira Lal Koiri . . . . .	Do.
17	„ Sheo Sankar Bind . . . . .	Do.
18	„ Degree Jaiswara . . . . .	Do.
19	„ Ch. Ram Khelowan Pasi . . . . .	Do.
20	„ Sanichar Singh . . . . .	Do.
21	„ Mewala Jaiswara . . . . .	Do.
22	„ B. Bhageloo Jaiswara . . . . .	Do.
23	„ Budhu Jaiswara . . . . .	Do.
24	„ Tasildar Jaiswara . . . . .	Do.
25	„ Karmani Das . . . . .	Do.
26	„ Rajdeo Gope . . . . .	Do.
27	„ Ram Surat Harijan . . . . .	Do.
28	„ Lautoo Jaiswara . . . . .	Do.
29	„ Ramrathan Jaiswara . . . . .	Do.
30	„ Nauhar Kurmi . . . . .	Do.
31	„ Sukh Nandan Pasi . . . . .	Do.
32	„ Amir Das . . . . .	Do.

Sl. No.	Name	Designation
33	Shri Rajmon Kewat . . . . .	Loader
34	„ Budhiram Bind . . . . .	Do.
35	„ Abdul Mia . . . . .	Do.
36	„ Jaikaran Jaiswara . . . . .	Do.
37	„ Chhota Pasi . . . . .	Do.
38	„ Kesho Harijan . . . . .	Do.
39	„ Jokho Gope . . . . .	Do.
40	„ Suprailal Bhar . . . . .	Do.
41	„ Mathuri Kumhar . . . . .	Do.
42	„ Hublal Kumhar . . . . .	Do.
43	„ Ram Nath Kurmi . . . . .	Do.
44	„ Sukhram Kurmi . . . . .	Do.
45	„ Jagrup Kurmi . . . . .	Do.
46	„ Beharilal Kurmi . . . . .	Do.
47	„ Muner Gope . . . . .	Do.
48	„ Srinath Bind . . . . .	Do.
49	„ Babulal Harijan . . . . .	Do.
50	„ Ram Garib Kewat . . . . .	Do.
51	„ Mukundi Jaiswara . . . . .	Do.
52	„ Sheonath Bhar . . . . .	Do.
53	„ Shankar Bhar . . . . .	Do.
54	„ Deosaran Mahato . . . . .	Do.
55	„ Terash Bhar . . . . .	Do.
56	„ Nandlal Jaiswara . . . . .	Do.
57	„ Ramswar Pasi . . . . .	Do.
58	„ Shri Kishan Harijan . . . . .	Do.
59	„ Ramlakhan Kurmi . . . . .	Do.
60	„ Lahori Pasi . . . . .	Pickminer.
61	„ Bhagbat Harijan . . . . .	Do.
62	„ Chaitar Shaw . . . . .	Do.”

[No. 6/48/70-LRII]

### आदेश

नई दिल्ली, 27 अगस्त, 1970

क्र० प्र० 2998 :—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में बनाली कोयलाखान, डाकघर नन्दी, जिला बर्दवान के प्रबन्धसूत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता को न्यायनिर्णयन के लिए निर्देशित करती है।

### अनुसूची

“क्या बनाली कोयला खान, डाकघर नन्दी, जिला बरववान के प्रबन्धतंत्र द्वारा निम्नलिखित कर्मकारों की प्रथम अगस्त, 1970 से छंटनी किया जाना न्यायोचित और वैध था ? यदि नहीं, तो वे किस अनुतोष के हकदार हैं ?

क्रम सं०	नाम	पदनाम
1.	श्री हवलाल जायसवाड़ा	लोडर
2.	श्री जयनाथ भर	"
3.	श्री श्रवण भर]	"
4.	श्री परसोत्तम केवट	"
5.	श्री बाबू पाशी	"
6.	श्री गंगा राम कहार	"
7.	श्री रामलखन हरिजन	"
8.	श्री रामाधर जायसवाड़ा	"
9.	श्री बरखु कोहरी	"
10.	श्री हरिचन्द भर	"
11.	श्री सौदागर गोप	"
12.	श्री देगरी कुर्मी	"
13.	श्री किशन प्रसाद राय	"
14.	श्री गोगारूप कुर्मी सं० 2	"
15.	श्री तजई जायसवाड़ा	"
16.	श्री हीरालाल कोहरी	"
17.	श्री शिवशंकर बिन्द	"
18.	श्री देगरी जायसवाड़ा	"
19.	श्री चौ० रामखिलावन पासी	"
20.	श्री शनिचर सिंह	"
21.	श्री मेवाला जायसवाड़ा	"
22.	श्री बी० भगेलू जायसवाड़ा	"
23.	श्री बुधु जायसवाड़ा	"
24.	श्री तसीलदार जायसवाड़ा	"
25.	श्री कर्मनी दास	"
26.	श्री राजदेव गोप	"

क्रम सं०	नाम	पदनाम
27.	श्री रामसूरत हरिजन	लोडर
28.	श्री लोटू जायसवाड़ा	"
29.	श्री रामरतन जायसवाड़ा	"
30.	श्री नोहर कुर्मी	"
31.	श्री सुखनन्दन पासी	"
32.	श्री भमीर दास	"
33.	श्री राजमोन केवट	"
34.	श्री बुधिराम बिन्द	"
35.	श्री भन्दुल मियाँ	"
36.	श्री जयकरण जायसवाड़ा	"
37.	श्री छोटा पासी	"
38.	श्री केशो हरिजन	"
39.	श्री जोखो गोप	"
40.	श्री सुप्रहलाल भर	"
41.	श्री माथुरी कुम्हार	"
42.	श्री हुबलाल कुम्हार	"
43.	श्री रामनाथ कुर्मी	"
44.	श्री सुखराम कुर्मी	"
45.	श्री जगरूप कुर्मी	"
46.	श्री बिहारी लाल कुर्मी	"
47.	श्री मुनेर गोप	"
48.	श्री श्रीनाथ बिन्द	"
49.	श्री बाबुलाल हरिजन	"
50.	श्री राम गरीब केवट	"
51.	श्री मुक्तवी जायसवाड़ा	"
52.	श्री शिवनाथ भर	"
53.	श्री शंकर भर	"
54.	श्री देवशरण महतो	"
55.	श्री तेरश भर	"
56.	श्री नन्द लाल जायसवाड़ा	"
57.	श्री रामेश्वर पासी	"

क्रम सं०	नाम	पदनाम
58.	श्री किशन हरिजन	लोडर
59.	श्री राम लखन कुर्मी	"
60.	श्री लाहोरी पासी	पिकमाइनर
61.	श्री भगवत हरिजन	"
62.	श्री चेतन शा	"

[सं० 6/48/70-एल ग्रा II]

**S.O. 2999.**—Whereas by the order of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. 6/48/70-LRII, dated the 27th August, 1970, that an industrial dispute between the employers in relation to the management of Banalee Colliery and their workmen has been referred to the Central Government Industrial Tribunal, Calcutta, for adjudication and it is necessary to prohibit the continuance of Lock-out in existence in connection with the said dispute;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 10 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby prohibits the continuance of the lockout in existence in connection with the said dispute in the said industrial establishment

[No. 6/48/70-LRII(i).]

P. C. MISRA, Under Secy.

**का० ग्रा० 2999 :—**यतः भारत सरकार के श्रम, रोजगार और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) के आदेश सं० 6/48/70-एल ग्रा ii, तारीख 27 अगस्त, 1970 द्वारा बनाली कोयला खान के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद को केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता को न्यायनिर्णयन के लिए निर्दिष्ट कर दिया गया है और उक्त विवाद के सम्बन्ध में विद्यमान तालाबन्दी के जारी रखने का प्रतिषेध करना आवश्यक है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उक्त विवाद के सम्बन्ध में उक्त औद्योगिक स्थापन में विद्यमान ताला बन्दी के जारी रखने का प्रतिषेध करती है।

[सं० 6/48/70-एल ग्रा II (i)]

पी० सी० मिश्रा, अवर सचिव (एल) ।

(Department of Labour and Employment)

ORDER

New Delhi, the 28th August 1970

**S.O. 3000.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Bombay Port Trust, Bombay and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal No. 1, Bombay, constituted under section 7A of the said Act.

#### SCHEDULE

“Whether the management of Bombay Port Trust, Bombay is justified in dismissing Shri Jagannath Yeshwant Tawde ex-watchman, B.P.T. Workshops, Mazagaon, Bombay-10 from his services with effect from 10th April, 1969. It not, to what relief is he entitled.

[No. 73/3/70-P&D.]

[C. RAMDAS, Dy Secy.]

#### (श्रीम श्रीर रोजगार विभाग)

नई दिल्ली, 28 अगस्त, 1970

क० प्रा० 3000 :—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मुम्बई पत्तन न्यास, मुम्बई के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निदर्शित करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण सं० 1, मुम्बई को न्यायनिर्णयन के लिए निर्देशित करती है।

#### अनुसूची

“क्या मुम्बई पत्तन न्यास, मुम्बई के प्रबन्धतंत्र का श्री जगन्नाथ यशवंत टावडे, भूतपूर्व चौकीदार, बी० पी० टी० वर्कशाप्स, मजगांव, मुम्बई-10 को 10 अप्रैल, 1969 से उसकी सेवाओं से पदच्युत करना न्यायोचित है। यदि नहीं तो वह किस अनुतोष का हकदार है?”

[सं० 73/3/70-पी डी]

सी० राम दाम, उपसचिव।